

REMARKS

I. Status of the Application

Claims 1-4, 6-20, and 22 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 2, 6, 9, 10, 16, 18, and 19 for clarity and cancels claim 21. No new subject matter has been added.

II. Summary of the Office Action

Claim 10 is rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-4, 7, 9, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (U.S. Patent No. 7,302,696).

Claims 10-11, 13-14, 16-17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Publication No. 2003/0040970) and Yamamoto.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Finseth (U.S. Publication No. 2009/0193458).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Marshall (U.S. Publication No. 2001/0042251).

Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Yamamoto and further in view of Marshall (U.S. Publication No. 2001/0042251).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Yamamoto and further in view of Finseth.

III. Claim Rejections under 35 U.S.C. § 112

Claim 10 has been amended to alleviate Examiner's rejection. It is respectfully requested this ground of rejection of claim 10 be withdrawn.

IV. Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 7, 9, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto.

Claim 1 *inter alia* recites: "an advertising information retriever configured to:
...determine whether the received user search includes a designation of a geographic location,

retrieve the advertising information from said data gateway for a local area of the user based on the user search unless the user search is determined to include the designation of the geographic location, and retrieve the advertising information from said data gateway for a designated geographic location if the received user search includes the designation of the geographic location.”

According to exemplary embodiment, the advertising information retriever retrieves advertising information for a local area of the user based on the user search command unless the user search command is determined to include a designation of a geographic location. If the user search command is determined to include a designation of a geographic location, the advertising information retriever retrieves advertising information the advertising information from the data gateway for a designated geographic location.

That is, the advertising information retriever first makes a determination whether the search command includes a designation of a geographic location. If the search command does not include a designation of a geographic location, the advertising information retriever retrieves advertising information for a local area of the user. A simple example is a person is in Washington DC watching their television and is planning to travel to London for business. The person pushes a button on the remote control and an overlay comes over the current channel that is being watched. The person changes the designation of a geographic location to London. The person opens and interacts the yellow pages for the phone listing of the Marriott Hotel in London and makes the reservation closes the overlay and the previous television program continues as before. Otherwise, the search proceeds according to the designated geographic location, as described, for example, in paragraph 53 of the present Publication.

Yamamoto describes correlating the geographic location of the set top box's GPS with the coupon data and finding the coupons corresponding to the user's location. (Col. 1, lines 9-28). Yamamoto does not describe the determination of whether the user search includes a designation of the geographic location and retrieval of the alleged advertising information for a local area of the user based on the search command unless the search command is determined to include a designation of a geographic location. Yamamoto may be teaching detecting a

geographic location of the user. However, Yamamoto does not describe that the user has an option of specifying the geographic location in the search command. Accordingly, by the default, the search results in Yamamoto are only for the locality of the user. The user cannot specify a geographic location when the user desires to obtain information about a business outside of his area.

Accordingly, Applicant respectfully submits that Yamamoto does not teach retrieving the advertising information for a local area of the user based on the search command unless the search command is determined to include a designation of a geographic location and retrieving the advertising information from the data gateway for a designated geographic location if the received user search includes the designation of the geographic location, as claimed.

For at least these exemplary reasons, claim 1 is patentable over Yamamoto. Accordingly, it is respectfully requested the rejection of claim 1 and dependent claims 2-5, 7, 9, and 20 be withdrawn.

Further, Yamamoto does not disclose additional details regarding the user input. In other words, Yamamoto describes providing the specific information via various networks and cable television, but is silent regarding format of the user input. That is, Yamamoto does not describe that the user's input is received via same cable channel as the alleged category of advertising is being transmitted. This concept is further recited in claims 9 and 19.

V. Claim Rejections under 35 U.S.C. § 103

A. Claims 10-11, 13-14, 16-17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Yamamoto.

Claim 10 *inter alia* recites: "an interface unit configured to receive content information from an advertiser via an internet in an internet format; a cable content generator configured to ... convert the processed content information into a cable network format or a satellite network format that is retrieved by a retriever as an overlay over any of cable network or satellite network channels as requested by the retriever."

The Examiner contends that Yamamoto teaches generating advertising information for transmission over the cable network by describing insertion of the advertisements into the

programming content by the local studio at col. 2, line 59 - col. 3, line 13. (*See* page 10 of the Office Action).

At this cited portion, Yamamoto describes sending the transmission via satellite to a satellite 102. The satellite transmits the programming content to a local studio. The local studio inserts advertisements into the programming content. The content with the insertions is transmitted from the local studio via a satellite transmission transceiver 114 to a cable service provider which delivers the television signal over a cable network to subscribers. (col. 2, line 59 - col. 3, line 13.)

However, in this cited portion, Yamamoto does not teach that the alleged advertising information is received from an advertiser via an internet in an internet format and converted into a cable network format or a satellite network format, for transmission over a cable network, as claimed.

The Examiner further contends that Yamamoto describes converting the "content information received in an internet format into a cable network format or a satellite network format that is retrieved by a retriever as an overlay over any of cable network or satellite network channels as requested by the retriever" at col. 7, lines 1-67, col. 9, lines 35-49, col. 11, line 57 - col. 12, line 24, FIGS. 4-16. (*See* last paragraph on page 14 of the Office Action).

In these cited portions, Yamamoto describes providing cable network, satellite network, and Internet network. With respect to product information, Yamamoto describes that the local studio 106 can insert additional programming into the received transmission, for example, to provide cable content that includes locally provided channels. The programming is then distributed to customers over the cable network 134. In addition to local program insertion, the local studio 106 can insert advertising content. Product supplemental information relating to the advertising for participating merchants 122 can also be inserted. Product supplemental information can include information relating to the goods or services being advertised in the commercial. In addition to goods and services, coupons and other information services can be made available to the viewer, which in one embodiment can be obtained via the merchant's 122 web site 124 on the Internet. Triggers, such as Advanced Television Enhancement Forum

(ATVEF) triggers, which are related to the web site 124 and/or to its contents, can be continuously updated as the television broadcast is being received.

In Yamamoto, various techniques for carrying the product supplemental information can be used. For example, triggering, announcement, or resource information can be included and sent using the ATVEF standard, in a manner known by those skilled in the art. For instance, a uniform resource locator (URL) address can be embedded in the broadcast stream. Other standards that may be used include triggering mechanisms from Wink and WorldGate. Another technique is to embed code or a script in the stream that runs on the client (e.g., at the set top box 152) to provide the information and/or purchase experience. The triggers, resources, or announcements can be inserted by the originating broadcaster 104, a local broadcaster 106, or by the cable system operator 108.

In other words, Yamamoto describes inserting into the broadcasting stream a trigger (a link) for accessing a coupon on the coupon channel and does not disclose or suggest converting the actual coupon information into the cable or satellite network format.

Yamamoto describes only the overlay announcement being inserted into the broadcast, which then takes the viewer to a coupon interactive channel upon user input. That is, in Yamamoto, what is displayed in the overlay is a link which takes the viewer to the coupon channel where the alleged advertising information can be found.

Accordingly, in these cited portions, Yamamoto does not teach that the alleged advertising information which is received from an advertiser via an internet in an internet format is converted into a cable network format or a satellite network format, for transmission over a cable network, as claimed.

Further, Yamamoto describes an overlay announcement of the coupon channel which takes the viewer to a coupon interactive channel via a link. That is, the overlay is an internet link. However, Yamamoto does not disclose or suggest the content information received in an internet format is converted into a cable network format or a satellite network format that is retrieved by a retriever as an overlay over any of cable network or satellite network channels. According to claim 10, the advertising information itself is converted into the format suitable for an overlay transmission and display. This is converted automatically and ready for interactive insertion or

retrieval use by the viewer through the remote control device commonly utilized with the television directly on the overlay without the need for a link or targeted channel for display. To the contrary, in Yamamoto, what is displayed in the overlay is a link which takes the viewer to the coupon channel where the alleged advertising information can be found.

Exemplary embodiments are designed to obtain access for the insertion or retrieval of advertising information triggered from any remote control that the viewer or advertiser is using on a cable network, satellite network, cell or hand phone or other electronic devices of communication and through any computer or other electronic device that has access to the world wide web as well as for the insertion or retrieval of advertising information.

Yamamoto refers to the a typical standard television insertion that announcements can be inserted into a commercial by the originating broadcaster(studio) 104, a local broadcaster 106, or by the cable system operator 108. To the contrary, exemplary embodiments empower the public to originate and generate their own advertising and retrieve advertising whether audio, video or print mediums right on the overlay. This makes the process fully interactive from anywhere in the world by anyone rather than passively referring and responding to standard URL or commercial directing to another channel that is inserted by the broadcaster.

Miller does not cure any above-discussed deficiency of Yamamoto.

For at least these exemplary reasons, claim 10 is patentable over Miller in view of Yamamoto. It is, therefore, respectfully requested the rejection of claim 10 and dependent claims 11, 13, 14, and 22 be withdrawn.

Claim 16 recites features similar to the features argued above with respect to claims 1 and 10. Accordingly, claim 16 is patentable for at least analogous exemplary reasons. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 16 and dependent claims 17 and 19.

B. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Finseth.

C. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Marshall.

D. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Yamamoto and further in view of Marshall.

E. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Yamamoto and further in view of Finseth.

Claims 8, 12, 15, and 18 depend on claim 1, 10, or 16. Applicant has already demonstrated that neither Yamamoto, nor Miller, taken singularly or in combination, teaches or suggest all of the features of independent claims 1, 10, or 16. Neither Marshall, nor Finseth cures the above-discussed deficiencies of Yamamoto and Miller. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claims 1, 10, or 16. Since claims 8, 12, 15, and 18 depend on claim 1, 10, or 16, they are patentable at least by virtue of their respective dependencies.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
/ Marina V. Zalevsky /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860R

WASHINGTON OFFICE

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CUSTOMER NUMBER

Marina V. Zalevsky
Registration No. 53,825

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